

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

NAACP PENNSYLVANIA STATE
CONFERENCE,

Petitioner,

v.

KATHY BOOCKVAR,
SECRETARY OF THE COMMONWEALTH,
AND JESSICA MATHIS, DIRECTOR OF THE
BUREAU OF ELECTION SERVICES AND
NOTARIES,

Respondents.

No. 364 MD 2020

DECLARATION OF CAROL JENKINS, Ph.D.

I, Carol Jenkins, Ph.D., declare as follows:

1. I am over the age of 18 and I make this declaration based upon my personal knowledge and experience.
2. I am a resident of Philadelphia County and have been registered to vote in Pennsylvania since 1982, including the last 31 years as a Philadelphia resident.
3. As I describe below, I am thoroughly familiar with the practices of elections in Philadelphia based on my training and experience. In addition, I have formed a deep knowledge of elections overall based on my educational and professional experience as a political scientist. I have the following advanced degrees: a Master of Public Administration and a Doctor of Philosophy in Political Science and Government,

both from Temple University. I taught political science at Temple from 2001 to approximately 2018. My research interests are urban politics and policy and that is reflected in my teaching, including classes examining the impact of race in politics and an overview of state and local government.

4. I am currently, and have been for the last 16 years, a ward leader for the 27th Democratic Ward in Philadelphia. Philadelphia is divided into 66 wards, which are further divided into divisions, which are assigned a polling place. Thus, voters determine where they vote by identifying their ward and then division. The 27th ward is located in the west and southwest parts of the city. It contains 23 divisions and is spread across various and distinct neighborhoods. For instance, multiple divisions of the ward are located in University City, which includes the campuses of the University of Pennsylvania and Drexel University, while other divisions are in Southwest Philadelphia, which is predominantly African-American and also has more lower-income residents.

5. Among my various responsibilities as ward leader is to recruit committee people, staff polling places with poll workers for both the primary and the general election, lead get-out-the-vote efforts, meeting and educating voters about elections issues and candidates. During my time as ward leader, I have participated in approximately over 30 primary and general elections.

6. Part of my duties as ward leader, I am especially active during each general and primary election day where I travel across the ward to visit as many polling places as possible and take every opportunity to talk to and interact with voters, committeepersons, and candidates to learn about issues that are occurring on the ground.

7. This year, in advance of the June 2, 2020 Pennsylvania primary election, Philadelphia's county board of elections, the City Commissioners, like many other county

boards of elections across the Commonwealth, decided to close polling places in response to the unprecedented coronavirus pandemic. The challenges facing us when holding a normal election were greatly exacerbated during this pandemic election. For the 2020 primary election, Philadelphia had only 188 polling places open instead of the 832 polling places that were available in the 2019 Pennsylvania primary election. That is, 77.4 % of the polling places in Philadelphia were closed during the June primary election.

8. The closure of polling places was particularly striking in the 27th ward. In a typical election, there are 18 separate polling places for the 23 divisions (there are five polling locations that are used by voters from two divisions). During the June primary election, however, 15 of these 18, or 83%, of the polling places were closed. The results were devastating for the ward's voters. For instance, voters from 12 divisions were directed to vote in one polling place, the Benjamin B. Comegys Elementary School, located 5100 Greenway Avenue, which normally only has voters from two divisions from the 27th ward there as well as three divisions from the neighboring 51st ward.

9. Crowding 12 divisions into 1 location at Comegys was problematic because the decision overlooked the dynamics of the community in that area. Residents from those divisions are almost exclusively African American and have a well-documented history of voting in person; as a result, they were less likely to use the vote-by-mail ("VBM") option. Although members of my ward worked diligently to distribute materials so registered voters could apply for VBM ballots, we knew our efforts had only limited successes and so we expected long lines at this polling place. Sadly we were right. Because of the lines at Comegys, I know that many prospective voters, again who were predominantly African American, left without voting. Many of the voters who left were older or had preexisting health conditions that put them at risk of getting really sick or

dying if they got infected with coronavirus, which was reasonable giving the extent of the pandemic. Again we were met with frustrated, disappointed, and mostly minority citizens who had been disenfranchised.

10. The conditions inside the polling places also underscore the great difficulty of engage in social distancing in such a crowded place. Inside Comegys, many poll workers were shoulder to shoulder and could not maintain the six-foot distance that the public health experts require for social distance. And while the voters were able to properly space as they waited in line, by the time that many voters entered the voting place, it was impossible for them to stay six feet apart. These conditions will again create fear for many voters who are afraid to vote in person because of the pandemic.

11. Another negative consequence of shutting down so many polling places is that the three open polling places were far from locations where voters are used to voting, which is significant because most voters in Philadelphia typically walk a short distance to their polling location.

12. The polling place closures also caused significant confusion. In one case, a division whose regular polling place was used as a consolidated polling place for other divisions was assigned to another consolidated location. This caused great confusion all day, and disenfranchised many voters as they were unable to travel the distance necessary to vote. Many of these voters were minority, some with limited English skills, and left with disappointment and frustration that their vote would not be recorded.

13. Moreover, because Comegys was not used for the three divisions that normally vote there from the 51st ward, there was a lot of confusion because many of the voters from the 51st ward went to Comegys to vote and were advised that the location was

closed for their divisions and these voters had to be directed to go to another polling location to vote. I do not know if these voters ultimately went to the other locations.

14. The polling place consolidation, if anything, raised concerns that voters would be crowded together and cannot social distance, which is what is required to minimize the risk of getting infected with the novel coronavirus. The internal arrangements of the polling places themselves needed improvement so that poll workers were not putting themselves at risk by failing to engage in social distancing.

15. Given what happened in the June primary election, I am very concerned about the General Election on November 3, 2020, which will have turnout that dwarfs the turnout for the primary. There is no question that the pandemic will still be ongoing in November.

16. I know that the City Commissioners will have to close down a number of polling places for 2020 General Election because of the pandemic for several reasons. First, many of the buildings and locations will not be open to the public or are too small to accommodate the substantial crowds in the general election while maintaining social distancing. Here are a two examples: divisions 10 and 14 typically vote at the offices of the Spruce Hill Community Association, located at 257 South 45th Street. However, the space is far too cramped to accommodate two divisions and will likely require one of the divisions to be moved.

17. Second, other polling locations will have to be closed in the 2020 General Election for other reasons. For instance, division #2 normally votes at the HMS School for Children with Cerebral Palsy, located at 4400 Baltimore Avenue. Because of the threat that crowds may have on such an institution, which normally houses residents who

have severe and sustained medical conditions, it is unlikely that that polling location will be available for voters in the general election.

18. Finally, many of the poll locations will be closed because poll workers will be unavailable. Many of the poll workers – Judge of Elections, Majority Inspector, Minority Inspector, Clerk, and Machine Inspector – are senior citizens and squarely within the age that makes them susceptible to serious injury or death if they get ill from the novel coronavirus. The dearth of these poll workers drove the decision to close many of the polling elections in the June primary election. Without these poll workers, there will be nobody to check in voters, operate the machines, review the poll books, prepare the returns, and answer questions and interact with voters.

19. I expect that there will similarly be a shortage of poll workers in the 2020 General Election, especially as the threat of coronavirus has not gone away, and that this shortage will require the closure of a number of polling places. In short, the expectation is that many of the City's polling places will not be open for the 2020 General Election.

20. To avoid a disaster for the General Election, it is important that any polling location closures for November be announced far ahead of time and be clearly communicated to voters. Placing a notice in the old polling places would also help in alerting voters of their new polling locations. Indeed, I know that some voters went to their usual polling places only to find out that those places were closed but without receiving any information about the new polling location.

21. Based on some of the problems I witnessed during the primary election, I also believe that any future consolidation be based on objective criteria for shutting them. In many instances, it was not clear why certain polling places were shut down and this lack of clarity caused confusion on the part of the voters.

22. The June primary election was the first election in which voters had the option of using no-excuse mail-in voting, which I refer to as the Vote-By-Mail (VBM) option. Despite the sustained effort I engaged in to encourage voters to use VBM, many voters were skeptical of VBM and preferred to vote in person. Other voters did not have access to the Internet and thus could not request the VBM application. This “digital divide” was heightened by the closure of libraries, where many of the ward’s residents receive information or access the Internet.

23. I saw the racial disparities first hand in the 27th ward during the June primary election. In the more affluent divisions in University City, there were substantially more voters using VBM than in the African-American divisions in Southwest Philadelphia. From my contacts across the City, I know that this racial disparity was consistent across many parts of the City.

24. There are ways to address some of these issues. One example is to send all registered voters a VBM application. If voters receive a VBM application, they are more likely to complete the application, get a mail in ballot in sufficient time, successfully vote by mail, and have their votes counted. Automatic distribution of VBM applications will also reduce to time pressures on the City Commissioners because they would receive the applications early in the process and be able to turn send mail ballots to the voters well in advance of the election.

25. I am aware that there were efforts put in place during the June primary election by some county boards, including in Philadelphia, for voters to deliver completed VBM ballots to the county boards of elections at ballot drop boxes or mobile drop-off locations. The ballot drop boxes are secure boxes where voters who choose the VBM option can deposit their voted ballots and are used routinely across the country in states

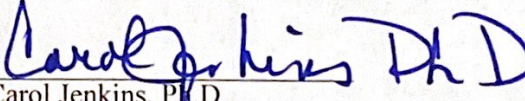
such as Washington, Oregon, and many other jurisdictions. The drop boxes were appealing to voters who did not or could not mail their ballots because they received the ballots too close to election day, or did not trust the US Postal Service, or were not confident that their voted ballots would be received at the City Commissioners' offices by 8 p.m. on election day. Many voters were also afraid to go in person to the City Commissioners' offices because of the pandemic and the civil disturbances in Philadelphia.

26. Philadelphia had 10 ballot drop boxes located across the City. One issue with these drop boxes, at least the ones nearest to the 27th ward, is that they were opened for very limited times. The two closest locations were open only on May 30 from 9 a.m. to 11 a.m. and 12 – 2 p.m., respectively. If there were more drop boxes and if these boxes were open for more days and for a longer time, more voters would have been able to leave their voted VBM ballots for the City Commissioners at these drop boxes. From my experience and knowledge of the history and demographics of the 27th Ward, these drop boxes would have drawn more African Americans to use them and cast their vote.

27. In addition, there was insufficient notice for people who sought to use this drop box option. As a result, many voters were not aware of drop boxes, a safe, efficient, and effortless way to vote (certainly as compared to leaving a voted VBM ballot in a regular, unmonitored US Mail box). As a result, many voters were left confused and never used these drop boxes. For the General Election in November, drop boxes should be made available on a broader basis, be clearly marked, and well publicized ahead of time to ensure that voters who want to use this option – especially African-American voters – could do so. Such an effort would allow many more voters to participate in our democracy.

28. As noted above, my team and I spent considerable effort to try to get voter applications for registered who could not access the Internet or could not obtain the applications themselves for other reasons but sought to vote-by-mail but. I cannot emphasize enough how challenging it was to reach out to possible voters in a pandemic when face-to-face or door-to-door contacts were very limited, caused anxiety, and increased the threat that the virus would spread. An effort to automatically send VBM applications to every person registered in Philadelphia for the general election, as Luzerne and Allegheny Counties did in the June primary election, would alleviate some of these concerns and ensure that many more Pennsylvanians have access to the voting process.

All statements in this Declaration are true and correct to the best of my knowledge, information and belief. I understand that my statements are made subject to the penalties of 18 Pa. C.S. § 4904 relation to unsworn falsification to authorities.


Carol Jenkins, Ph.D.
Philadelphia, PA

Dated: July 26, 2020